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ABSTRACT

This brief presents an overview of findings from a U.S. General Accounting Office (GAO) study that investigated how the 1997 amendments to the Individuals with Disabilities Education Act (IDEA) affected the ability of schools to maintain a safe environment conducive to learning. A study surveyed 272 public middle and high school principals regarding the discipline of students who were and were not receiving special education services. In addition, the GAO conducted site visits and interviews with principals in Louisiana, New York, and Wisconsin. Findings from the study indicate: (1) about 81 percent of the schools reported one or more incidents of serious misconduct in the 1999-2000 school year, most of the incidents were acts of violent behavior; (2) the number of incidents of serious misconduct was greater among students not receiving special education services, however, students receiving such services had a higher rate of serious misconduct; (3) 86 percent of principals reported that their local policies provide more protections than the federal IDEA discipline policy for students receiving special education services who engage in serious misconduct; and (4) principals generally viewed discipline policies for students receiving special education services favorably or neutrally. (CR)



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Synthesis Brief

Student Discipline and IDEA - Synthesis of GAO Report

Prepared by Joy Markowitz

Project FORUM at NASDSE

Background

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school principals regarding the discipline of students who were about IDEA's impact on school discipline. The GAO also At the request of Congress¹, the U.S. General Accounting (IDEA) affected the ability of schools to maintain a safe environment conducive to learning. The GAO surveyed a nationally representative sample of public middle and high and were not receiving special education services. A total of 272 schools responded—a response rate of 60 percent. This rate was too low to be nationally representative; however, these data provide information not available from any other source Louisiana, New York and Wisconsin. The study was conducted between January and December 2000, and the report was Office (GAO) conducted a study to determine how the 1997 amendments to the Individuals with Disabilities Education Act conducted site visits and interviews with principals in issued January 2001. The purpose of this document is to present a brief overview of GAO report can be found at the end of this document. This synthesis brief was written, produced and disseminated by GAO's findings. Directions for obtaining a copy of the full

Agreement with the U.S. Department of Education's Office of of Special Education (NASDSE), as part of its Cooperative Project FORUM at the National Association of State Directors Special Education Programs (OSEP)

Extent and Type of Serious Misconduct

Drug-related incidents were the next most common (56% About 81 percent of the responding schools reported one or more incidents of serious misconduct in the 1999-2000 school year. Most of these incidents were acts of violent behavior, generally fistfights, reported by 66 percent of the schools. reporting). Firearm incidents were much less common (10%

Students Who Commit Serious Misconduct

However, students receiving such services had a higher rate of during the 1999-2000 school year. Rates of misconduct were experienced an average of ten incidents of serious misconduct incidents by students receiving special education services The number of incidents of serious misconduct was greater among students not receiving special education services. serious misconduct. Schools responding to the GAO survey by students not receiving special education services and four

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¹ H.R. Conference Report No. 105-825 at 1313 (1998)

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calculated per 1,000 students. For every 1,000 students not receiving special education services, there were 15 incidents of serious misconduct. In contrast, for every 1,000 students receiving special education services, there were 50 incidents of misconduct reported. For both students receiving special education services and those not receiving such services, the types of serious misconduct were similar—violent behavior the most common, drug-related incidents the next most common, and firearms the least common.

Effects of Serious Misconduct

The most common effect of serious misconduct on the school community was disruption of student learning, reported by 52 percent of responding principals. The next most common effect (47% reporting) was the amount of time and attention spent by teachers and administrators dealing with the serious misconduct. These survey results were consistent with comments heard on site visits. The effects of serious misconduct were attributed to both students receiving and not receiving special education services. However, principals generally attributed the effects somewhat more frequently to students receiving special education services, especially effects involving time spent in dealing with incidents of serious misconduct.

Nature of Discipline for Serious Misconduct

About 60 percent of students who engaged in serious misconduct were given out-of-school suspensions (58% of those receiving special education services and 64% of those not receiving such services), and two-thirds were suspensions of one to three days (short term). In-school suspension was a

relatively rare discipline for engaging in serious misconduct (10% of those receiving and 8% not receiving special education services). There was a similarly low rate of students placed in an alternative educational setting for up to 45 days (11% and 6 %, respectively) and expelled (6% and 9% respectively). Principals referred similar percentages of students receiving and not receiving special education services to the police or juvenile justice system for involvement in serious misconduct (34% of those receiving special education services and 28% of those not receiving such services). Referrals were in addition to the discipline described above.

Educational Services During Suspension or Expulsion Period

Approximately 20 percent of students given a short-term outof-school suspension received educational services during their suspension, a rate similar for both students receiving (21%) and not receiving (19%) special education services. In comparison, for suspensions of four or more days, the percentage rates were 24 and 16, respectively. After expulsion from school, a large majority of students receiving special education services were provided educational services, consistent with IDEA requirements. However, only about one-half of students not receiving special education services were provided educational services after expulsion.

Influence of IDEA

Many of the responding principals (86%) reported that their local policies provide more protections than the federal IDEA

² "The terms "expulsion" and "alternative educational setting" were not defined in the GAO report.

discipline policy for students receiving special education services who engage in serious misconduct. IDEA and local policies most frequently differ on actions related to student suspension. According to respondents:

- 64 percent reported that they are not allowed to suspend a student receiving special education services for more than 10 cumulative school days during a school year,
 - 36 percent reported they are required to provide educational services throughout the suspension period to students who were receiving special education services prior to the suspension, and
- 24 percent reported they are required to determine manifestation of his/her disability whenever suspension serious misconduct was whether the student's is being considered.3

Reactions to Discipline Policies

federal regulations and local policy. Specifically, 76 percent of seven percent of principals who are required to offer services to manifestation determinations rated these policies as having a Responding principals generally viewed discipline policies for students receiving special education services favorably or neutrally. These policies are essentially a combination of IDEA the principals rated their policies as having a positive or neutral effect on their schools' level of orderliness, and 74 percent rated similarly the effect on their schools' safety level. Eightysuspended students and 72 percent who are required to conduct positive or neutral effect on their ability to properly discipline

expelled only if their misconduct is not a manifestation of their disability ³ Under IDEA, students receiving special education services may be [34 C.F.R. 300.524(a)].

prohibited actions not prohibited by IDEA. For example, of hose principals who reported they are prohibited from principals were more negative about local policies that suspending students receiving special education services for more than 10 school days over the course of a school year, 50 percent rated this policy as having a negative effect on their students receiving special education services. However, ability to properly discipline these students.

Individuals with Disabilities Education Act (GAO-01-210), A copy of the full GAO report, Student Discipline can be ordered as follows:

U.S. General Accounting Office By mail:

P.O. Box 37050

Washington, DC 20012

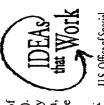
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> Student Discipline and IDEA - Synthesis of GAO Report Project FORUM at NASDSE

Page 3



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